

House Study Bill 225

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to programs and functions under the purview of
2 the Iowa department of public health and providing criminal
3 penalties and civil remedies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1161DP 81
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1 1 Section 1. Section 29C.20, subsection 1, paragraph a,
2 subparagraph (5), Code 2005, is amended to read as follows:
3 (5) Paying the expenses incurred by and claims of an urban
4 search and rescue team when acting under the authority of the
5 administrator and the provisions of section 29C.6 and ~~disaster~~
~~6 medical assistance teams~~ public health response teams when
7 acting under the provisions of section 135.143.

1 8 Sec. 2. Section 135.11, subsection 16, Code 2005, is
1 9 amended to read as follows:

1 10 16. Administer the statewide public health nursing,
1 11 homemaker=home health aide, and senior health programs by
1 12 approving grants of state funds to the local boards of health
1 13 and the county boards of supervisors and by providing
1 14 guidelines for the approval of the grants and allocation of
1 15 the state funds. Program direction, evaluation requirements,
1 16 and formula allocation procedures for each of the programs
1 17 shall be established by the department by rule, ~~consistent~~
~~1 18 with 1997 Iowa Acts, chapter 203, section 5.~~

1 19 Sec. 3. Section 135.11, Code 2005, is amended by adding
1 20 the following new subsection:

1 21 NEW SUBSECTION. 30. Establish and administer, if
1 22 sufficient funds are available to the department, a program to
1 23 assess and forecast health workforce supply and demand in the
1 24 state for the purpose of identifying current and projected
1 25 workforce needs. The program may collect, analyze, and report
1 26 data that furthers the purpose of the program. The program
1 27 shall not release information that permits identification of
1 28 individual respondents of program surveys.

1 29 Sec. 4. Section 135.22A, subsection 7, Code 2005, is
1 30 amended to read as follows:

1 31 7. The department is designated as Iowa's lead agency for
1 32 brain injury. The council is assigned to the department for
1 33 administrative purposes. The director shall be responsible
1 34 for budgeting, program coordination, and related management
1 35 functions.

2 1 Sec. 5. Section 135.140, subsection 5, Code 2005, is
2 2 amended to read as follows:

2 3 5. ~~"Disaster medical assistance team" or "DMAT"~~ "Public
2 4 health response team" means a team of professionals, including
2 5 licensed health care providers, nonmedical professionals
2 6 skilled and trained in disaster or emergency response, and
2 7 public health practitioners, which is sponsored by a hospital
2 8 or other entity and approved by the department to provide
2 9 disaster medical assistance in the event of a disaster or
2 10 threatened disaster.

2 11 Sec. 6. Section 135.140, subsection 6, Code 2005, is
2 12 amended to read as follows:

2 13 6. "Division" means the division of ~~epidemiology,~~
~~2 14 emergency medical services, and disaster operations~~ acute
2 15 disease prevention and emergency response of the department.

2 16 Sec. 7. Section 135.141, subsection 1, Code 2005, is
2 17 amended to read as follows:

2 18 1. A division of ~~epidemiology, emergency medical services,~~

2 19 and disaster operations acute disease prevention and emergency
2 20 response is established within the department. The division
2 21 shall coordinate the administration of this division of this
2 22 chapter with other administrative divisions of the department
2 23 and with federal, state, and local agencies and officials.

2 24 Sec. 8. Section 135.143, Code 2005, is amended to read as
2 25 follows:

2 26 135.143 ~~DISASTER MEDICAL ASSISTANCE TEAMS~~ PUBLIC HEALTH
2 27 RESPONSE TEAMS.

2 28 1. The department shall approve ~~disaster medical~~
2 29 ~~assistance public health response~~ teams to supplement and
2 30 support disrupted or overburdened local medical and public
2 31 health personnel, hospitals, and resources ~~at or near the site~~
2 32 ~~of a disaster or threatened disaster by providing direct~~
2 33 ~~medical care to victims or by providing other support~~
2 34 ~~services~~. Assistance shall be rendered under the following
2 35 circumstances:

3 1 a. ~~At or near the site of a disaster or threatened~~
3 2 ~~disaster by providing direct medical care to victims or~~
3 3 ~~providing other support services~~.

3 4 b. ~~If local medical or public health personnel or~~
3 5 ~~hospitals request the assistance of a public health response~~
3 6 ~~team to provide direct medical care to victims or to provide~~
3 7 ~~other support services in relation to any of the following~~
3 8 ~~incidents~~:

3 9 (1) ~~During an incident resulting from a novel or~~
3 10 ~~previously controlled or eradicated infectious agent, disease,~~
3 11 ~~or biological toxin~~.

3 12 (2) ~~After a chemical attack or accidental chemical~~
3 13 ~~release~~.

3 14 (3) ~~After an intentional or accidental release of~~
3 15 ~~radioactive material~~.

3 16 (4) ~~In response to a nuclear or radiological attack or~~
3 17 ~~accident~~.

3 18 (5) ~~Where an incident poses a high probability of a large~~
3 19 ~~number of deaths or long-term disabilities in the affected~~
3 20 ~~population~~.

3 21 2. A member of a ~~disaster medical assistance public health~~
3 22 ~~response~~ team acting pursuant to this division of this chapter
3 23 shall be considered an employee of the state under section
3 24 29C.21 and chapter 669, shall be afforded protection as an
3 25 employee of the state under section 669.21, and shall be
3 26 considered an employee of the state for purposes of workers'
3 27 compensation, disability, and death benefits, provided that
3 28 the member has done all of the following:

3 29 a. Registered with and received approval to serve on a
3 30 ~~disaster medical assistance public health response~~ team from
3 31 the department.

3 32 b. ~~Provided direct medical care to a victim of a disaster~~
3 33 ~~or provided other support services during a disaster or other~~
3 34 ~~support services during a disaster, threatened disaster, or~~
3 35 ~~other incident described in subsection 1; or participated in a~~
4 1 ~~training exercise to prepare for a disaster or other incident~~
4 2 ~~described in subsection 1~~.

4 3 3. The department shall provide the department of
4 4 administrative services with a list of individuals who have
4 5 registered with and received approval from the department to
4 6 serve on a ~~disaster medical assistance public health response~~
4 7 ~~team~~. The department shall update the list on a quarterly
4 8 basis, or as necessary for the department of administrative
4 9 services to determine eligibility for coverage.

4 10 4. Upon notification of a compensable loss, the department
4 11 of administrative services shall seek funding from the
4 12 executive council for those costs associated with covered
4 13 workers' compensation benefits.

4 14 Sec. 9. NEW SECTION. 138.13A ISOLATION OR QUARANTINE ==
4 15 EMPLOYMENT PROTECTION.

4 16 1. An employer shall not discharge an employee, or take or
4 17 fail to take action regarding an employee's promotion or
4 18 proposed promotion, or take action to reduce an employee's
4 19 wages or benefits for actual time worked, due to the
4 20 compliance of an employee with a quarantine or isolation order
4 21 issued by the department or a local board. An employer who
4 22 violates this section commits a simple misdemeanor.

4 23 2. An employee whose employer violates this section shall
4 24 be entitled to recover damage from the employer including, but
4 25 not limited to, actual damages, court costs, and reasonable
4 26 attorney fees. The employee may also petition the court for
4 27 imposition of a cease and desist order against an employer and
4 28 for reinstatement of the employee's previous position of
4 29 employment.

4 30 Sec. 10. NEW SECTION. 139A.8A VACCINE SHORTAGE ==

4 31 DEPARTMENT ORDER == IMMUNITY.

4 32 1. In the event of a shortage of a vaccine, or in the
4 33 event a vaccine shortage is imminent, the department may issue
4 34 an order controlling, restricting, or otherwise regulating the
4 35 distribution and administration of the vaccine. The order may
5 1 designate groups of persons which shall receive priority in
5 2 administration of the vaccine and may prohibit vaccination of
5 3 persons who are not included in a priority designation. The
5 4 order shall include an effective date, which may be amended or
5 5 rescinded only through a written order of the department. The
5 6 order shall be applicable to health care providers, hospitals,
5 7 clinics, pharmacies, health care facilities, local boards of
5 8 health, public health agencies, and other persons or entities
5 9 that distribute or administer vaccines.

5 10 2. A health care provider, hospital, clinic, pharmacy,
5 11 health care facility, local board of health, public health
5 12 agency, or other person or entity that distributes or
5 13 administers vaccines shall not be civilly liable in any action
5 14 based on a failure or refusal to distribute or administer a
5 15 vaccine to any person if the failure or refusal to distribute
5 16 or administer the vaccine was consistent with a department
5 17 order issued pursuant to this section.

5 18 3. The department shall adopt rules to administer this
5 19 section.

5 20 Sec. 11. Section 142C.15, subsection 4, paragraph a, Code
5 21 2005, is amended to read as follows:

5 22 a. Not more than twenty percent of the moneys in the fund
5 23 annually may be expended in the form of grants to state
5 24 agencies or to nonprofit legal entities with an interest in
5 25 anatomical gift public awareness and transplantation to
5 26 conduct public awareness projects ~~or to research and develop a~~
~~5 27 statewide organ and tissue donor registry.~~ Moneys remaining
5 28 that were not requested and awarded for public awareness
5 29 projects may be used for research, or to develop and support a
5 30 statewide organ and tissue donor registry. Grants shall be
5 31 made based upon the submission of a grant application by an
5 32 agency or entity to conduct a public awareness project or to
5 33 research, ~~and develop, and support~~ a statewide organ and
5 34 tissue donor registry.

5 35 Sec. 12. Section 144.23, subsection 1, Code 2005, is
6 1 amended to read as follows:

6 2 1. An adoption ~~certificate report~~ as provided in section
6 3 144.19, or a certified copy of the decree of adoption together
6 4 with the information necessary to identify the original
6 5 certificate of birth and to establish a new certificate of
6 6 birth, ~~except that a new certificate of birth shall not be~~
~~6 7 established if so requested by the court decreeing the~~
~~6 8 adoption, the adoptive parents, or the adopted person.~~

6 9 Sec. 13. Section 144.23, subsection 3, Code 2005, is
6 10 amended to read as follows:

6 11 3. A notarized affidavit by a licensed physician and
6 12 surgeon or osteopathic physician and surgeon stating that by
6 13 reason of surgery or other treatment by the licensee, the sex
6 14 designation of the person has been irreversibly changed. The
6 15 state registrar may make a further investigation or require
6 16 further information necessary to determine whether a sex
6 17 change has occurred.

6 18 Sec. 14. Section 144.40, Code 2005, is amended to read as
6 19 follows:

6 20 144.40 PATERNITY OF CHILDREN == BIRTH CERTIFICATES.

6 21 Upon request and receipt of an affidavit of paternity
6 22 completed and filed pursuant to section 252A.3A, or a
6 23 certified copy or notification by the clerk of court of a
6 24 court or administrative order establishing paternity, the
6 25 state registrar shall ~~amend~~ establish a new certificate of
6 26 birth to show paternity if paternity is not shown on the birth
6 27 certificate. Upon written request of the parents on the
6 28 affidavit of paternity, the surname of the child may be
6 29 changed on the certificate to that of the father. The
6 30 certificate shall not be marked "amended". The original
6 31 certificate and supporting documentation shall be maintained
6 32 in a sealed file; however, a photocopy of the paternity
6 33 affidavit filed pursuant to section 252A.3A and clearly
6 34 labeled as a copy may be provided to a parent named on the
6 35 affidavit of paternity.

7 1 Sec. 15. Section 148.12, Code 2005, is amended to read as
7 2 follows:

7 3 148.12 VOLUNTARY AGREEMENTS.

7 4 The medical examiners, after due notice and hearing, may
7 5 issue an order to revoke, suspend, or restrict a license to

7 6 practice medicine and surgery, osteopathic medicine and
7 7 surgery, or osteopathy, or to issue a restricted license on
7 8 application if the medical examiners determine that a
7 9 physician licensed to practice medicine and surgery,
7 10 osteopathic medicine and surgery, or osteopathy, or an
7 11 applicant for licensure has entered into a voluntary agreement
7 12 to restrict the practice of medicine and surgery, osteopathic
7 13 medicine and surgery, or osteopathy in another state,
7 14 district, territory, ~~or country, or an agency of the federal~~
7 15 government. A certified copy of the voluntary agreement shall
7 16 be considered prima facie evidence.

7 17 Sec. 16. Section 152B.5, Code 2005, is amended to read as
7 18 follows:

7 19 152B.5 RESPIRATORY CARE STUDENTS.

7 20 Respiratory care services may be rendered by a student
7 21 enrolled in a respiratory therapy training program when these
7 22 services are incidental to the student's course of study.

7 23 A student enrolled in a respiratory therapy training
7 24 program who is employed in an organized health care system may
7 25 render services defined in sections 152B.2 and 152B.3 under
7 26 the direct and immediate supervision of a respiratory care
7 27 practitioner for a limited period of time as determined by
7 28 rule. The student shall be identified as a "student
7 29 respiratory care practitioner".

~~7 30 A graduate of an approved respiratory care training program
7 31 employed in an organized health care system may render
7 32 services as defined in sections 152B.2 and 152B.3 under the
7 33 direct and immediate supervision of a respiratory care
7 34 practitioner for one year. The graduate shall be identified
7 35 as a "respiratory care practitioner-licensure applicant".~~

8 1 Sec. 17. Section 152B.14, Code 2005, is amended to read as
8 2 follows:

8 3 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

8 4 ~~1-~~ The board shall issue a license to practice respiratory
8 5 care to an applicant who, ~~on July 1, 1996,~~ has passed an
8 6 examination administered by the state or a national agency
8 7 approved by the board.

~~8 8 2. Other applicants who have not passed these examinations
8 9 or their equivalent on July 1, 1996, and who, through written
8 10 evidence, verified by oath, demonstrate that they are
8 11 presently functioning in the capacity of a respiratory care
8 12 practitioner as defined by this chapter, shall be given a
8 13 temporary license to practice respiratory care for a period of
8 14 thirty-six months from July 1, 1996. Such applicants must
8 15 pass a licensure examination administered or approved by the
8 16 board within thirty-six months after July 1, 1996, in order to
8 17 continue to practice respiratory care.~~

8 18 Sec. 18. Section 154D.2, subsection 1, paragraph b, Code
8 19 2005, is amended to read as follows:

8 20 b. Has at least two years of supervised clinical
8 21 experience or its equivalent as approved by the board ~~in
8 22 consultation with the mental health, mental retardation,
8 23 developmental disabilities, and brain injury commission
8 24 created in section 225C.5. Standards for supervision,
8 25 including the required qualifications for supervisors, shall
8 26 be determined by the board by rule.~~

8 27 Sec. 19. Section 154D.2, subsection 2, paragraph b, Code
8 28 2005, is amended to read as follows:

8 29 b. Has at least two years of supervised clinical
8 30 experience, ~~supervised by a licensee, in assessing mental
8 31 health needs and problems and in providing appropriate mental
8 32 health services as approved by the board of behavioral science
8 33 examiners in consultation with the mental health, mental
8 34 retardation, developmental disabilities, and brain injury
8 35 commission created in section 225C.5. Standards for
9 1 supervision, including the required qualifications for
9 2 supervisors, shall be determined by the board by rule.~~

9 3 Sec. 20. Section 156.4, subsection 4, Code 2005, is
9 4 amended to read as follows:

9 5 4. ~~Written examinations for a funeral director's license
9 6 shall be held at least once a year at a time and place to be
9 7 designated by the board. The examination Applicants shall
9 8 pass an examination prescribed by the board, which shall
9 9 include the subjects of funeral directing, burial or other
9 10 disposition of dead human bodies, sanitary science, embalming,
9 11 restorative art, anatomy, public health, transportation,
9 12 business ethics, and such other subjects as the board may
9 13 designate.~~

9 14 Sec. 21. Section 157.1, subsection 12, paragraph c, Code
9 15 2005, is amended to read as follows:

9 16 c. Removing superfluous hair from the body of a person by

9 17 the use of depilatories, waxing, sugaring, tweezers, or use of
9 18 any certified laser products or intense pulsed light devices.
9 19 This excludes the practice of electrology, whereby hair is
9 20 removed with an electric needle.

9 21 Sec. 22. Section 157.1, subsection 14, Code 2005, is
9 22 amended to read as follows:

9 23 14. "General supervision" means the supervising physician
9 24 is not onsite for laser procedures or use of an intense pulsed
9 25 light device for hair removal conducted on minors, but is
9 26 available for direct communication, either in person or by
9 27 telephone, radio, radiotelephone, television, or similar
9 28 means.

9 29 Sec. 23. Section 157.1, Code 2005, is amended by adding
9 30 the following new subsection:

9 31 NEW SUBSECTION. 15A. "Intense pulsed light device" means
9 32 a device that uses incoherent light to destroy the vein of the
9 33 hair bulb.

9 34 Sec. 24. Section 157.2, Code 2005, is amended by adding
9 35 the following new subsection:

10 1 NEW SUBSECTION. 5. Persons licensed under this chapter
10 2 shall only use intense pulsed light devices for purposes of
10 3 hair removal.

10 4 Sec. 25. Section 157.3, subsection 1, Code 2005, is
10 5 amended to read as follows:

10 6 1. An applicant who has graduated from high school or its
10 7 equivalent shall be issued a license to practice any of the
10 8 cosmetology arts and sciences by the department when the
10 9 applicant satisfies all of the following:

10 10 ~~a. Presents to the department a high school diploma or its~~
10 11 ~~equivalent.~~

10 12 ~~b. a.~~ Presents to the department a diploma, or similar
10 13 evidence, issued by a licensed school of cosmetology arts and
10 14 sciences indicating that the applicant has completed the
10 15 course of study for the appropriate practice of the
10 16 cosmetology arts and sciences prescribed by the board. An
10 17 applicant may satisfy this requirement upon presenting a
10 18 diploma or similar evidence issued by a school in another
10 19 state, recognized by the board, which provides instruction
10 20 regarding the practice for which licensure is sought, provided
10 21 that the course of study is equivalent to or greater in length
10 22 and scope than that required for a school in this state, and
10 23 is approved by the board.

10 24 ~~c. b.~~ Completes the application form prescribed by the
10 25 board.

10 26 ~~d. c.~~ Passes an examination prescribed by the board. The
10 27 examination may include both practical demonstrations and
10 28 written or oral tests and shall not be confined to any
10 29 specific system or method. However, a member of the board who
10 30 is a licensed instructor of cosmetology arts and sciences
10 31 shall not be involved in the selection or administration of
10 32 the exam.

10 33 Sec. 26. Section 157.3A, subsection 1, paragraph a, Code
10 34 2005, is amended to read as follows:

10 35 a. A licensed esthetician, who intends to provide services
11 1 pursuant to section 157.1, subsection 12, paragraphs "a" and
11 2 "c", having received additional training on the use of
11 3 microdermabrasion, ~~or~~ a certified laser product, or an intense
11 4 pulsed light device, shall submit a written application and
11 5 proof of additional training and certification for approval by
11 6 the board. Training shall be specific to the service provided
11 7 or certified laser product used.

11 8 Sec. 27. Section 157.3A, subsection 2, paragraph a, Code
11 9 2005, is amended to read as follows:

11 10 a. A licensed cosmetologist having received additional
11 11 training in the use of chemical peels, microdermabrasion, ~~or~~ a
11 12 certified laser product, or an intense pulsed light device for
11 13 hair removal shall submit a written application and proof of
11 14 additional training and certification for approval by the
11 15 board. A cosmetologist who is licensed after July 1, 2005,
11 16 shall not be eligible to provide chemical peels, practice
11 17 microdermabrasion procedures, ~~or~~ use certified laser products,
11 18 or use an intense pulsed light device for hair removal.

11 19 Sec. 28. Section 157.3A, subsection 3, Code 2005, is
11 20 amended to read as follows:

11 21 3. A licensed electrologist having received additional
11 22 training on the use of a certified laser product or an intense
11 23 pulsed light device for the purpose of hair removal shall
11 24 submit a written application and proof of additional training
11 25 and certification for approval by the board.

11 26 Sec. 29. Section 157.3A, subsection 4, Code 2005, is
11 27 amended to read as follows:

11 28 4. Any additional training received by a licensed
11 29 esthetician, cosmetologist, or electrologist and submitted to
11 30 the board relating to utilization of a certified laser product
11 31 or an intense pulsed light device shall include a safety
11 32 training component which provides a thorough understanding of
11 33 the procedures being performed. The training program shall
11 34 address fundamentals of nonbeam hazards, management and
11 35 employee responsibilities relating to control measures, and
12 1 regulatory requirements.

12 2 Sec. 30. Section 157.4, Code 2005, is amended to read as
12 3 follows:

12 4 157.4 TEMPORARY PERMITS.

~~12 5 1. A person who completes the requirements for licensure
12 6 listed in section 157.3, except for the examination, shall be
12 7 known as a trainee and shall be issued a temporary permit by
12 8 the department which allows the applicant to practice in the
12 9 cosmetology arts and sciences from the date of application
12 10 until passage of the examination subject to this subsection.
12 11 An applicant shall take the first available examination
12 12 administered by the board, and may retain the temporary permit
12 13 if the applicant does not pass the examination. An applicant
12 14 who does not pass the first examination shall take the next
12 15 available examination administered by the board. The
12 16 temporary permit of an applicant who does not pass the second
12 17 examination shall be revoked. An applicant who passes either
12 18 examination shall be issued a license pursuant to section
12 19 157.3. The board shall adopt rules providing for a waiver of
12 20 the requirement to take the first available examination for
12 21 good cause.~~

~~12 22 2. The department may issue a temporary permit for the
12 23 purpose of demonstrating cosmetology arts and sciences upon
12 24 recommendation of the board.~~

~~12 25 1. The department may issue a temporary permit which
12 26 allows the applicant to practice in the cosmetology arts and
12 27 sciences for purposes determined by rule. The board shall
12 28 determine and state its recommendations and the length of time
12 29 the temporary permit issued under this subsection is valid.~~

~~12 30 3. 2. The fee for a temporary permit shall be established
12 31 by the board as provided in section 147.80.~~

12 32 Sec. 31. Section 157.5, subsection 1, unnumbered paragraph

12 33 1, Code 2005, is amended to read as follows:
12 34 A licensed cosmetologist, esthetician, or electrologist who
12 35 provides services relating to the use of a certified laser
13 1 product, intense pulsed light device for hair removal,
13 2 chemical peel, or microdermabrasion, shall obtain a consent in
13 3 writing prior to the administration of the services. A
13 4 consent in writing shall create a presumption that informed
13 5 consent was given if the consent:

13 6 Sec. 32. Section 157.5, subsection 2, Code 2005, is
13 7 amended to read as follows:

13 8 2. A licensed cosmetologist, esthetician, or electrologist
13 9 who provides services related to the use of a certified laser
13 10 product, intense pulsed light device for hair removal,
13 11 chemical peel, or microdermabrasion, shall submit a report to
13 12 the board within thirty days of any incident involving the
13 13 provision of such services which results in physical injury
13 14 requiring medical attention. Failure to comply with this
13 15 section shall result in disciplinary action being taken by the
13 16 board.

13 17 Sec. 33. Section 157.12A, Code 2005, is amended to read as
13 18 follows:

13 19 157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.

~~13 20 A laser hair removal product or device, or intense pulsed
13 21 light device, shall not be used on a minor unless the minor is
13 22 accompanied by a parent or guardian and only under the general
13 23 supervision of a physician.~~

13 24 Sec. 34. Section 157.13, subsection 1, Code 2005, is
13 25 amended to read as follows:

13 26 1. It is unlawful for a person to employ an individual to
13 27 practice cosmetology arts and sciences unless that individual
13 28 is licensed ~~or has obtained a temporary permit~~ under this
13 29 chapter. It is unlawful for a licensee to practice with or
13 30 without compensation in any place other than a licensed salon,
13 31 a licensed school of cosmetology arts and sciences, or a
13 32 licensed barbershop as defined in section 158.1, except that a
13 33 licensee may practice at a location which is not a licensed
13 34 salon or school of cosmetology arts and sciences under
13 35 extenuating circumstances arising from physical or mental
14 1 disability or death of a customer, or when a temporary permit
14 2 has been approved by the board. It is unlawful for a licensee
14 3 to claim to be a licensed barber, but it is lawful for a

14 4 licensed cosmetologist to work in a licensed barbershop. It
14 5 is unlawful for a person to employ a licensed cosmetologist,
14 6 esthetician, or electrologist to perform the services
14 7 described in section 157.3A if the licensee has not received
14 8 the additional training and met the other requirements
14 9 specified in section 157.3A.

14 10 Sec. 35. Section 233.2, subsection 2, paragraph c, Code
14 11 2005, is amended to read as follows:

14 12 c. ~~The If the name of the parent is unknown to the~~
14 13 ~~institutional health facility, the individual on duty or other~~
14 14 ~~person designated by the institutional health facility at~~
14 15 ~~which physical custody of the newborn infant was relinquished~~
14 16 ~~shall submit the certificate of birth report as required~~
14 17 ~~pursuant to section 144.14. If the name of the parent is~~
14 18 ~~known to the institutional health facility, the facility shall~~
14 19 ~~submit the certificate of birth report as required pursuant to~~
14 20 ~~section 144.13. The department of public health shall not~~
14 21 ~~file the certificate of birth with the county of birth and~~
14 22 ~~shall otherwise maintain the confidentiality of the birth~~
14 23 ~~certificate in accordance with section 144.43.~~

14 24 Sec. 36. Section 272C.9, subsection 1, Code 2005, is
14 25 amended to read as follows:

14 26 1. Each licensee of a licensing board, as a condition of
14 27 licensure, is under a duty to submit to a physical, ~~or~~ mental,
14 28 ~~or clinical competency~~ examination when directed in writing by
14 29 the board for cause. All objections shall be waived as to the
14 30 admissibility of the examining physician's testimony or
14 31 reports on the grounds of privileged communications. The
14 32 medical testimony or report shall not be used against the
14 33 licensee in any proceeding other than one relating to licensee
14 34 discipline by the board, or one commenced in district court
14 35 for revocation of the licensee's privileges. The licensing
15 1 board, upon probable cause, shall have the authority to order
15 2 a physical, ~~or~~ mental, ~~or clinical competency~~ examination, and
15 3 upon refusal of the licensee to submit to the examination the
15 4 licensing board may order that the allegations pursuant to
15 5 which the order of physical, ~~or~~ mental, ~~or clinical competency~~
15 6 examination was made shall be taken to be established.

15 7 Sec. 37. Section 331.805, subsection 1, Code 2005, is
15 8 amended to read as follows:

15 9 1. When a death occurs in the manner specified in section
15 10 331.802, subsection 3, the body, ~~clothing, and any articles~~
15 11 ~~upon or near the body~~ shall not be disturbed or removed from
15 12 the position in which it is found, ~~and physical or biological~~
15 13 ~~evidence shall not be obtained or collected from the body,~~
15 14 without authorization from the county medical examiner or the
15 15 state medical examiner except for the purpose of preserving
15 16 the body from loss or destruction or permitting the passage of
15 17 traffic on a highway, railroad or airport, or unless the
15 18 failure to immediately remove the body might endanger life,
15 19 safety, or health. A person who moves, disturbs, or conceals
15 20 a body, ~~clothing, or any articles upon or near the body or who~~
15 21 ~~obtains or collects physical or biological evidence in~~
15 22 violation of this subsection or chapter 691 is guilty of a
15 23 simple misdemeanor.

15 24 Sec. 38. Section 691.6, Code 2005, is amended by adding
15 25 the following new subsection:

15 26 NEW SUBSECTION. 7. To perform an autopsy or order that an
15 27 autopsy be performed if required or authorized by section
15 28 331.802 or by rule. If the state medical examiner assumes
15 29 jurisdiction over a body for purposes of performing an autopsy
15 30 required or authorized by section 331.802 or by rule under
15 31 this section, the body or its effects shall not be disturbed,
15 32 withheld from the custody of the state medical examiner, or
15 33 removed from the custody of the state medical examiner without
15 34 authorization from the state medical examiner.

15 35 Sec. 39. Sections 135.45 through 135.48 and section
16 1 142A.11, Code 2005, are repealed.

16 2 Sec. 40. RESPONSE TEAM TASK FORCE. The department shall
16 3 establish a task force to study the current and future
16 4 capacity of the public health workforce to respond to
16 5 bioterrorism, emerging infectious diseases, and other public
16 6 health threats and emergencies. The task force shall examine
16 7 the concept of developing and implementing regional response
16 8 teams which will include members from local, regional, and
16 9 state agencies and organizations. The task force shall submit
16 10 a report to the department, the governor, and the general
16 11 assembly by July 1, 2006, which shall include the findings and
16 12 recommendations of the task force, including a proposed budget
16 13 necessary for sustaining public health workforce teams. Task
16 14 force members shall be appointed by the director and shall

16 15 include representatives from local public health agencies,
16 16 hospitals, emergency medical care providers and programs, the
16 17 department, and other stakeholders. Appointments to the task
16 18 force shall not be subject to the requirements of sections
16 19 69.16 and 69.16A.

16 20 EXPLANATION

16 21 This bill provides for a number of changes regarding
16 22 programs and functions under the purview of the Iowa
16 23 department of public health.

16 24 The bill provides statutory authority for the collection of
16 25 health workforce data by the department, and provides for the
16 26 confidentiality of the data collected. The bill eliminates a
16 27 reference to 1997 Iowa Acts relating to the use for which
16 28 local public health funding may be applied, and provides that
16 29 the department is designated Iowa's lead agency for brain
16 30 injury.

16 31 The bill provides that the division of epidemiology,
16 32 emergency medical services, and disaster operations shall be
16 33 renamed the division of acute disease prevention and emergency
16 34 response, and makes conforming changes related to this name
16 35 change.

17 1 The bill renames disaster medical assistance teams as
17 2 public health response teams, and makes conforming changes
17 3 related to this name change in Code section 29C.21, relating
17 4 to the emergency management assistance compact. The bill also
17 5 provides for additional categories in which assistance by the
17 6 teams is authorized and adds disability to those benefits for
17 7 which a team member may be considered to qualify as an
17 8 employee of the state for liability and indemnity purposes.

17 9 The bill provides that in the event of a shortage of a
17 10 vaccine, or in the event a vaccine shortage is imminent, the
17 11 department may issue an order controlling, restricting, or
17 12 regulating the distribution and administration of the vaccine.
17 13 The bill provides that the order may designate groups of
17 14 persons which shall receive priority in administration of the
17 15 vaccine and may prohibit vaccination of persons who are not
17 16 included in a priority designation, and that it shall be
17 17 applicable to health care providers, hospitals, clinics,
17 18 pharmacies, health care facilities, local boards of health,
17 19 public health agencies, and other persons or entities which
17 20 distribute or administer vaccines. The bill also provides
17 21 that there shall be no civil liability in any action based on
17 22 a failure or refusal to distribute or administer a vaccine to
17 23 any person if the failure or refusal to distribute or
17 24 administer the vaccine was consistent with a department order.

17 25 The bill provides for employment protection for employees
17 26 subject to isolation or quarantine and provides criminal
17 27 penalties and civil remedies.

17 28 The bill provides for the deletion of a repeal applicable
17 29 to the tobacco use prevention and control initiative,
17 30 currently specifying June 30, 2010.

17 31 The bill also provides that anatomical gift public
17 32 awareness and transplantation funds, which may currently be
17 33 utilized for the development of a statewide organ and tissue
17 34 control registry, may also be utilized to support the
17 35 registry.

18 1 The bill repeals provisions establishing the chronic renal
18 2 disease program.

18 3 The bill provides that an amended birth certificate shall
18 4 be issued in an adoption, deleting provisions which had
18 5 provided for the option of a certificate not being issued upon
18 6 request, and provides that in order for an amended birth
18 7 certificate to be issued in the case of a sex change
18 8 operation, an affidavit must be received from a specified
18 9 medical professional that the procedure was irreversible.

18 10 The bill provides that the board of medical examiners,
18 11 which may currently discipline a physician who has entered
18 12 into a voluntary agreement to restrict their practice in
18 13 another state, district, territory, or country, shall also be
18 14 able to discipline a physician entering into a voluntary
18 15 agreement with an agency of the federal government.

18 16 The bill strikes a provision which currently permits a
18 17 graduate of an approved respiratory care program to practice
18 18 under specified circumstances for one year prior to taking a
18 19 licensure exam, and strikes an expired provision authorizing
18 20 temporary permits to practice.

18 21 The bill strikes a provision requiring consultation by the
18 22 board of behavioral science examiners with the mental health
18 23 and developmental disabilities commission relating to approval
18 24 of supervised clinical experience for marital and family
18 25 therapy and mental health counseling, and also strikes a

18 26 provision which specifies that supervision of an applicant for
18 27 mental health counseling must be conducted strictly by a
18 28 licensee. The bill provides that supervision standards shall
18 29 be determined by the department by rule.

18 30 The bill strikes an outdated provision that written
18 31 examinations for a funeral director's license shall be given
18 32 by the board of mortuary science examiners and instead allows
18 33 the board to prescribe the examination to be taken.

18 34 The bill also provides for the addition of intense pulsed
18 35 light devices to the list of regulated practices under Code
19 1 chapter 157 (cosmetology), and makes conforming changes to
19 2 reflect the addition. The bill additionally strikes the
19 3 current requirement that a cosmetology applicant submit a copy
19 4 of a high school diploma, requiring instead that an applicant
19 5 has graduated from high school or its equivalent, and strikes
19 6 references to issuance of a temporary permit prior to taking a
19 7 licensure examination for cosmetology. The bill specifies
19 8 that a temporary permit may be issued, however, for purposes
19 9 to be determined by rule.

19 10 The bill provides that a birth certificate shall be
19 11 submitted to the state registrar in accordance with the
19 12 provisions of Code section 144.43 in the event that the
19 13 identity of a parent is known in a situation where custody of
19 14 an infant is being released.

19 15 The bill also provides that licensing boards may order a
19 16 clinical competency examination, in addition to being
19 17 currently authorized to order physical or mental examinations.

19 18 The bill further provides that, after a death has occurred,
19 19 current provisions prohibiting the disturbing or removing of a
19 20 body without authorization by a county medical examiner shall
19 21 also apply to clothing or other articles upon or near a dead
19 22 body. The bill additionally provides that if the state
19 23 medical examiner assumes jurisdiction over a body for purposes
19 24 of performing an autopsy required or authorized by Code
19 25 section 331.802 or by rule, the body or its effects shall not
19 26 be disturbed, withheld from the custody of the state medical
19 27 examiner, or removed from the custody of the state medical
19 28 examiner without authorization from the state medical
19 29 examiner.

19 30 The bill provides for the establishment of a response team
19 31 task force to study the current and future capacity of the
19 32 public health workforce to respond to bioterrorism, emerging
19 33 infectious diseases, and other public health threats and
19 34 emergencies. The bill provides that the task force shall
19 35 examine the concept of developing and implementing regional
20 1 response teams, and include members from local, regional, and
20 2 state agencies and organizations. The bill provides that the
20 3 task force shall submit a report to the department, the
20 4 governor, and the general assembly by July 1, 2006, and that
20 5 members shall be appointed by the director and include
20 6 representatives from local public health agencies, hospitals,
20 7 emergency medical care providers and programs, the department,
20 8 and other stakeholders.

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